

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48240 of 2017

Arising Out of PS. Case No.-11 Year-2016 Thana- KASMA District- Aurangabad

1. Paras Nath Singh, Son of Late Brij Nandan Singh, R/o Village- Darbhanga, P.O.- Teldiha, P.S.- Madanpur, District- Aurangabad.
2. Kamakhya Narayan Singh, Son of Sri Shailendra Singh, R/o Village P.O.- Akauna, P.S.- Goh, District- Aurangabad.
3. Ram Janam Ram S/o Mohar Ram, R/o Village- Mirzapur, P.O.P.S.- Risiyaf, District-Aurangabad.
4. Nageshwar Ram, Son of Sri Kesho Ram, R/o Village- Paima, P.O.- Dumri Delwan, P.S.- Madanpur, District- Aurangabad.
5. Sikandar Ram Son of Rameshwar Ram R/o Village- Rampur, P.O.- Ramvilas Nagar, Vartholi, P.S. District- Aurangabad.
6. Arjun Singh, Son of Jai Nandan Singh, R/o Village- Ram nagar, P.O.- Ram Nagar, P.S.- Obra, District- Aurangabad.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Mahendra Rajak-B.E.O. Rafiganj, Son of Karu Rajak, R/o Village- Masaura Guard, P.S.- Muffasil, P.O.- Barah Gandar, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-11-2023 1. Heard learned counsel for the petitioners and learned APP for the State.

2. Learned counsel for the petitioners submits that the present quashing application has been filed seeking quashing of the order dated 13-1-2017 passed by the learned ACJM, Aurangabad in connection with Kasma PS Case No. 11 of 2016, whereby cognizance of offence under Sections 409 and 420 of



the IPC has been taken.

3. Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that no criminal offence is made out in the nature of allegation as alleged by the informant though it can be said that administrative lapses were committed by the petitioners, but then committing of administrative lapses, by no stretch of imagination, can be said that it entails criminality.

4. Learned counsel for the petitioners next submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that this Court had directed for holding an inquiry with regard to the *Panchayat* teachers by the Vigilance Investigation Bureau. Accordingly, the District Program Officer, Aurangabad vide his letters dated 1-2-2016, 5-2-2016 and 19-2-2016 had directed all the Panchayat Secretaries of the Appointment Unit to ensure to provide the merit list of the appointed teachers and the last date for submitting the merit list was 25-2-2016, but the merit list was not submitted by the last date which amounted to violating the orders of this Court as well as the orders of the Department.

5. The learned counsel for the petitioners next submits that the allegation against the petitioners is that they did not



submit the merit list in time, which was affecting the investigation as directed by this Court, but then the said act of the petitioners by no stretch of imagination can be said that they committed criminal offences.

6. It is further submitted that if the department was aggrieved by the action of the petitioners in not submitting the merit list in time, in that event, the department ought to have initiated the departmental proceedings against them for inflicting either minor or major punishment.

7. The learned APP for the state is not in a position to rebut the submission of the learned counsel for the petitioners.

8. Considering the submission made by the learned counsel for the petitioners, the order dated 13-1-2017 passed by the learned ACJM, Aurangabad in connection with Kasma PS Case No. 11 of 2016, whereby cognizance of offence under Sections 409 and 420 of the IPC has been taken, is hereby quashed.

9. Accordingly, the present quashing application stands allowed.

(Satyavrat Verma, J)

SUMIT/-

U		T	
---	--	---	--

